

8-15-05

CC/DAC\$ #2

188.574

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
H. Engelhardt, et al.  
Serial No.: 10/532,779  
Filed: April 22, 2005  
For: FINGER ... ENGINE

Hedman and Costigan  
1185 Avenue of the Americas  
New York, NY 10036  
August 12, 2005

**PETITION UNDER RULE 47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

INA-Schaeffler KG hereby petitions the Commissioner of Patents and  
Trademarks to accept the application under the provisions of Rule 47(a). Enclosed  
herewith is a declaration executed by two of the three inventors and the third inventor has  
refused to execute.

Filed herewith is a declaration executed by Matthias Becker who is an employee  
of the assignee of the application in the Intellectual property department which explains  
the facts. Jörg Michel, the inventor who did not execute the application had submitted an  
invention disclosure relating to the invention claimed in the above application which was  
accepted by the assignee in accordance with German law by a letter of September 17,  
2002 (Exhibit A of the declaration).

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The application, declaration and assignment were submitted to Jörg Michel by a letter of April 20, 2005 for signature (Exhibit B) to which there was no response by Jörg Michel. A follow up letter to Jörg Michel dated June 1, 2005 (Exhibit C) requested return of the executed documents was also unanswered and to-date, there has been no response from Jörg Michel.

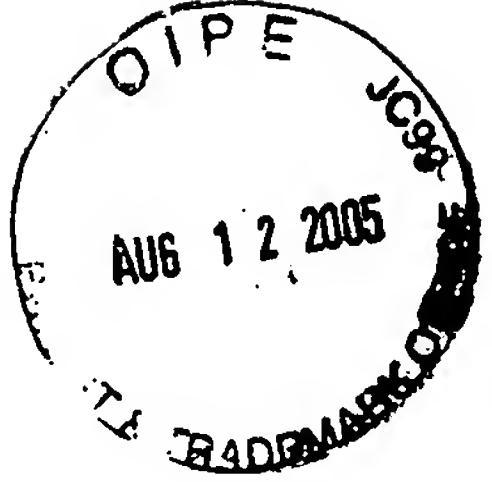
Under German law (Exhibit D), an employee must submit an invention in writing to the employer which the employer must accept in writing (Exhibit A). The assignment from the other two inventors is submitted herewith for recording with \$40 recording fee as well as the petition fee of \$130 with PTO form 2038.

Therefore, it is established that INA-Schaeffler KG is the rightful owner of the invention claimed in the above application and will lose valuable patent rights through no fault of its own if the petition is not granted. Therefore, granting of the Petition under Rule 47(a) is requested.

Respectfully submitted,  
Hedman and Costigan

  
Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

CAM:mlp  
Enclosures



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Date of Deposit: August 12, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Marie-Louise Pinset  
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August 12, 2005

**DRAWINGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are submitting herewith the formal drawings for the above application.

Respectfully submitted,  
Hedman and Costigan

*Charles A. Muserlian*  
Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

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